Supreme Court, U.S.
FILED

No. (1) 10-502

MAY 19 2010

OFFICE OF THE CLERK

In the Supreme Court of the United States

Joseph Dixon,

Petitioner,

vs.

Deutsche Bank National Trust Company,
Nationscredit Home Equity Loan Trust,
Select Portfolio Servicing Inc.,
Fairbanks Capital Corporation
and Balboa Life and Casualty,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Joseph Dixon
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e-mail: *jd.0001@yahoo.com*

Petitioner, pro se

2010 – Bachman Legal Printing ■ (612) 339-9518 ■ 1-800-715-3582 ■ Fax (612) 337-8053

QUESTIONS PRESENTED

1. Did the lower courts abuse its judicial discretionary power or comply with the Acts of the United States Congress as established in the United States Constitution and in other applicable laws, Fed. R. Civ. P. Rules 4, 7, 11, 55, 56, and 60, Const. Amends. I, III, IV, V, VI, VII, XIII, and XIV and Fed. R. Civ. P. Rule 120, as Relates to this case, Property Rights, right to petition the government for redress of grievances, due process of law and equal protection of law?

2. Should the laws of the United States Congress be enforced or complied with consistently by all courts irrespective of being *pro se* or African-American? If the answer is yes, did the 8th Circuit Courts comply or enforce Fed. R. Civ. P. Rule 4(a), Fed. R. Civ. P. Rule 55(a)(b), or otherwise to defend, FRAP 40, Untimely Filing, Fed. R. Civ. P. Rule 11, Perjury by Respondents, an excess of 74 days lapse with no answer to summons and complaint, and by vacating Clerk of Court's entry of Default Judgment and Docketed Judgment?

3. Has the Eighth Circuit Court been inconsistent with the interpretation and rulings of the laws of similar cases of same Defendants, similar acts and conducts, same or similar charges, same laws involved but different results and interpretation of law, ambiguity of the law Causes to errors of courts or multiple interpretations of the laws of inconsistency?

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

JURISDICTION

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was February, 18, 2010

[ ] No petition for reheating was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: Feb. 18, 2010, and a copy of the order denying rehearing appears at Appendix A.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including ___(date) on____(date) in Application. No. _____A ___.

The jurisdiction of this Court is invoked under 28

U. S.C. §1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was_____ . A copy of that decision appears at Appendix_____.

[ ] A timely petition for rehearing was thereafter denied on the following date:_____, and a copy of the order denying rehearing appears at Appendix ___.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including ___(date) on____(date) in Application. No. _____A ___.

The jurisdiction of this Court is invoked under 28 U. S.C. §1257(a).

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix page A-1 to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix __ to the petition and is

[ ] reported at _____; or,
[ ] has been designate for publication but is not yet reported; or,
[X] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The **opinion** of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Rule 9, Appearance of Counsel, Supreme Court Rule, U.S.C. § 3006A(d)(6), Rule 34.1(f).
2. Supreme Court Rule 10, Writ or Certiorari.
3. Rule 11; 28 U.S.C. § 2101(e).
4. Rule 12, Petition for Writ of Certiorari, Rule 33.1, Rule 38(a), Docket Fee. Rule 33.2, Compliance. Rule 29, Notice, Rule 14, Rule 31.1, Rule 12.2, Rule 39, Rule 13.4.
5. Rule 13, Review on Certiorari: Time for Petitioning 90 days; 28 U.S.C. § 2101(c), Rule 12.5, Rule 21, 22, 30, and 32.2.
6. Rule 14 Questions Presented. Rule 29.6, Rule 11, Rule 12.5, Rule 29.4(b) & (c), Rule 14, Rule 33, 34, 29 Appendix and Timely Filing.
7. Rule 15 Brief in Opposition; Reply Briefs, Supplemental Brief; Rule 14.1(a). Rule 24, Rule 16 Disposition; Rule 15.
8. Rule 17, 0ther Jurisdiction - Original Action Procedures.
9. Article III of the Constitution of the United States. See also 28 U.S.C. §1251, U.S. Const. Amend. 11 provided by Rule 20.

10. Const. Amends. I, II, V, VI, VII, VIII, XIII, XIV. Fed R. Civ. P. 4, 7, 11, 55, 56, 60.

11. Rule 18 of the Supreme Court Rules, Appeal from District Court.

12. Rule 21, 22, 30, Extension of Time. 28 U.S.C. §1254.

13. 28 U.S.C. § 1651, 2241, or § 2254(a), Rule 33, 34, Rule 29, Rule 12.2, Rule 21, Rule 22, Rule 17.3, Rule 18.5, Rule 22, Rule 23 Stay, Rule 24 Brief on the Merits and oral argument.

14. Rule 37, Rule 38, Fees. Rule 18.5, U.S.C. § 1911, Rule 39, Rule 41, Opinions of Court, Rule 42, Interests and damage, Rule 43 Costs, Rule 19.2, 28 U.S.C. § 2412, Rule 44 Hearing.

15. Rule 45, Process, Mandates, 28 U.S.C. § 451, Rule 46 Dismissal.

16. Rule 47, Reference to State Court and State Law, Rule 48, Effective Date Rule.

STATEMENT OF THE CASE

1. Respondents in conversion of Appellant, Joseph Dixon's Real Estate Deed and Trust residential Home, auctioned it without right to do so. No notice was served upon owner Joseph Dixon whose residence being 1710 Fremont Avenue, Minneapolis, Minnesota, and only home. The Laws of Congress, property Rights violated, Foreclosure laws and Procedures were not complied with. Jurisdiction of the court was never initiated by Respondent in the Auction of Petitioner's deed and Trust private Real estate property, Fed R. Civ. P. 120, Foreclosure of deed and Trust property. Jurisdiction of court must be

initiated; notice must be served upon the owner, and filed with the Court; notice of hearing must be served stating Date, Place and time; and proof of service must be Filed with the court. None of these laws were complied with in the auction of Petitioner's deed and Trust real estate property, Due Process and Equal Protection of Law denied, enforcement.

2. Summons and Complaint served by United States Marshal by Personal Service upon each Defendant-Respondent: Fairbanks Capital Corporation, Deutsche Bank National Trust Company, Select Portfolio Servicing, Inc. Nationscredit Home Equity Loan trust and Balboa Life and Casualty. Each Defendant served at their Place of business and signed Affidavit Receipt of Proper service by U.S. Marshal. The U.S. Marshal is a Federal official Officer of the Court, professionally trained to execute proper and effective Service of Summons and Complaint. U.S. Marshal signed and Notarized Affidavit of Effective service upon each defendant. Fed. R. Civ. P. 4, Answers to Summons and Complaint must be served and filed upon Plaintiff, and with the court within 20 Days of service, legal deadline. Respondents let time limitation run in excess of 74 days after Legal deadline, did not file or serve an answer, and did not appear for court trial, and did not File for enlargement of time nor any representation of counsel. Petitioner Joseph Dixon filed for Default Judgment against Defendants. Clerk of Court made Entry of default Judgment against Deutsche Bank National Trust Company and Nationscredit Home equity Loan Trust, in favor of Appellant, Joseph Dixon, which was

subsequently vacated by the Court.

3. Whether or not the intention was ever for the Defendants to, in concert, steel plaintiff, Joseph Dixon's real estate residential deed and trust property, in disguise, Fairbanks Capital Corporation did change its name and did not serve notice of name change upon Plaintiff, property owner, Joseph Dixon. In disguise, and with intent to evade the Massachusetts Court, the Federal Trade Commission, the United States of America and Allana L. Curry who for the same period of time involved, had investigated Fairbanks Capital Corp. of Rip-off of Home owners' mortgage loans, fraudulent charges, unlawful foreclosure, fraudulent insurance policy, fraudulent bill, a nationwide investigation by FTC and Allana L. Curry. The nationwide Federal investigations into Fairbanks Capital Corp.'s handling of national mortgage loans and its unlawful foreclosure of homes nationwide found that Fairbanks Capital Corporation and it affiliates were in violation of the FTC Act, Federal RICO laws and illegal foreclosure. Court case file in Massachusetts Court against Fairbanks and its affiliates. *See* Case Allana L Curry v. Fairbanks Capital Corp., et al., Case No. 03-10895, Class action, FTC- United States v. Fairbanks Capital Corp. et al., 03-12219 DPW. Case Joseph Dixon v. Fairbanks Capital Corp., Case No. 08-3449. Similar cases but different results errors of court.

DEFAULT JUDGMENT ENTERED BY CLERK OF COURT AGAINST DEUTSCHE BANK AND NATIONSCREDIT HOME EQUITY LOAN TRUST FOR FAILURE TO PLEAD OR OTHERWISE DEFEND.

1. The U.S. Clerk of Court, upon Plaintiff's Motion for Entry of Default Judgment against Defendant for failure to answer summons and complaint within the legal deadline allowed by law, but Defendants had chosen not to respond to the summons and complaint served upon them by personal service by the Federal United States marshal. Then they allowed 74 days to lapse or run and did not file or serve its answer to the summons and complaint. Defendants did not appear in court for it's own Trial held in Duluth Federal Court. They were not represented; did not file for enlargement of time to do so; and did not file for representation of counsel. Rule 4(a)m, Rule 55 of Fed. R. Civ. P. was filed and granted by the Clerk of Court.

2. By fraud Defendants, by perjury, made knowingly false statements to the court that they were never served the summons and complaint by the United States Marshal. The Affidavit of Service signed by Defendants and by the United States Marshal filed by the United States Marshall of personal service made upon the Defendants-which they signed a receipt of proper personal service. The court, by fraud upon the court, vacated the default judgment entered in favor of Joseph Dixon by the Clerk of Court.

3. The Court failed to enforce the Law, Rule 4 and Rule 55 of Federal Civil Procedure. The United

States strictly enforces Rule Civ. P. 4, and 55, untimely filing and default Judgment for failure to plead or otherwise to defend.

4. *See* appeal and trial motions. January 5, 2006- theft and illegal foreclosure is not *res judicata*, was not litigated before, and the unlawful foreclosure could not be prosecuted before the date around January 5, 2006, when defendant committed the acts and conducts. Error of Court, Plaintiff, Joseph Dixon.

ARGUMENT

Three similar cases same defendants, same charges, same laws involved, but different Results:

A. Case: Ailana L. Curry, Marlene L Brenes and Thomas 0. White, individually and on behalf of all others similar situated v. Fairbanks Capital Corp. case No. 03-10895 - DPW.

B. FTC.- United States of America et al. v. Fairbanks Capital Corp. et al., Civil Action No. 03-12219- DPW.

C. Joseph Dixon v. Fairbanks Capital Corp. et al., Case Nos. 08-3449, 08-3449, 8th Cir., No. 07-1437, Rip Offs by Fairbanks Capital Corporation Nationwide. *See* complaint in all three cases.

D. Did the Eight Circuit Court rule in favor of Joseph Dixon's case herein presented to this court?

E. What crime did Plaintiff, Joseph Dixon commit to warrant being barred by the court from due process and equal protection of law, to be stripped and deprived of constitutional privileges being born African-American, black being forced homeless, deed and trust real estate property being stolen and cannot get a fair trial in the courts of proper

jurisdiction within the state Plaintiff is a citizen. *See* court cases.

REASONS FOR GRANTING THE PETITION

1. On or about January 5, 2006 Respondents stole Plaintiff Joseph Dixon's real estate property and auctioned it in violation of Federal Laws Fed. R. Civ. P. Rule 120.

2. The court failed to comply and enforce the laws of Congress, Fed. R. Civ. P. Rule 120, and Rule 4, failure to answer summons and complaint within the legal deadline, but instead, let the time limitation run in excess of 74 days, and after the clerk had entered Default Judgment against the defendants and the Default Judgment was docketed by the court in favor of Plaintiff, Joseph Dixon, by perjury and fraud thereafter, the defendant had the judgment vacated by fraud upon the court.

3. Differential of treatment by the courts towards plaintiff, Joseph Dixon, *pro se*; inconsistency of courts in interpretation of *res judicata*, and of Rules 4 of Civ. P., and Fed. R. Civ. P. Rule 120, and Fed. R. Civ. P. Rules 55 and 56. Plaintiff is forced homeless by the corrupt organization of Respondents. Plaintiff, Joseph Dixon and the nation being ripped off by Respondents, Fairbanks Capital Corp. et al.

4. Judgment obtained by Fraud must be vacated-it does not become good after a time being uncorrected.

5. It is not only Joseph Dixon being ripped off by Fairbanks Capital Corp. and its affiliates, but the

entire nation being ripped off by Defendants. *See* Rip Off Reports on the Internet, and FTC- United States v. Fairbanks Capital Corp., et al.. *See also* Allana L. Curry v. Fairbanks capital Corp.

6. Plaintiff, Joseph Dixon is entitled to Judgment against Defendants for the Amount Demanded in the summons and complaint against of $107,000,000.00 plus reasonable attorneys fees and court costs.

7. Court Abused its discretionary power and the laws of Congress must be consistent in its interpretation, irrespective of race, nationality or being *pro se*.

CONCLUSION

Petitioner Joseph Dixon is entitled to Judgment against Defendants. The Clerk of Court Properly entered Default Judgment in favor of Joseph Dixon. An excess of 74 days lapsed and Defendants did not serve or file its answers to the summons and complaint, which is strictly enforced by the Supreme Court of the United States. Joseph Dixon did not get an opportunity of Justice by the courts to defend his property, and Rule 60 was not met in the foreclosure auction sale. *Res judicata* is not applicable in this case of January 5, 2006. 2006 illegal conducts could not be prosecuted prior to being committed. Plaintiff, Joseph Dixon, petitions the court for judgment for the amount demanded. Plaintiff petitions that the court overturn the untimely filing of the vacation of judgment, with sanctions and judgment in favor of Joseph Dixon.

Judgment is warranted for enforcement, to deter, and

to punish the wrongdoer. Plaintiff is currently forced homeless and is now renting from public housing, indigent.

Let there be Judgment in favor of Joseph Dixon. Judgment for one hundred and seven million dollars. [Compensation plus reasonable Attorney fees and court costs.]

Prayer that the Eighth Circuit Judgment be vacated. Prayer that the lower court barring Joseph Dixon from filing cases in Minnesota Courts be vacated it is unconstitutional and violates Const. Amends. I, XIII, and XIV.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joseph Dixon

Date: May 17, 2010

IN THE
SUPREME COURT OF THE UNITED STATES

NO. 08-3449 8th CIR

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UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 08-3449

Joseph Dixon,
Appellant

v.

Deutsche Bank National Trust Company, et al.,
Appellees

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:06-cv-02858-PJS)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied. Judge Bye did not participate in the consideration or decision of this matter.

February 18, 2010

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 08-3449

Joseph Dixon,
Plaintiff-Appellant

v.

Deutsche Bank National Trust Company; Nationscredit Home Equity Loan Trust; Select Portfolio Servicing, Inc.; Fairbanks Capital Corporation; Balboa Life and Casualty,
Defendants – Appellees

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:06-cv-02858-PJS)

JUDGMENT

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

January 13, 2010

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3449

Joseph Dixon, Appellant, v. Deutsche Bank National Trust Company; Nationscredit Home Equity Loan Trust; Select Portfolio. Servicing, Inc.; Fairbanks Capital Corporation; Balboa Life and Casualty, Appellees.	Appeal from the United States District Court for the District of Minnesota. [UNPUBLISHED]

Submitted: December 28, 2009
Filed: January 13, 2010

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Joseph Dixon appeals the district court's[1] adverse grant of summary judgment and denial of his motion to reopen a default judgment. After careful de

[1] The Honorable Patrick J. Schiltz, United States District Judge for the District of Minnesota, adopting the reports and recommendations of the Honorable Raymond L. Erickson, United. States Magistrate Judge for the District of Minnesota.

novo review, viewing the evidence and all fair inferences from it in the light most favorable to Dixon, see Johnson v. Blaukat, 453 F.3d 1108, 1112 (8th Cir. 2006), we find no reversible error.

First, as to the claims related to the foreclosure of Dixon's property and the insurance policies provided by Balboa Life and Casualty, we conclude that summary judgment was proper for the reasons stated by the district court. Second, we conclude that the remaining claims against Deutsche. Bank National Trust Company, Nationscredit Home Equity Loan Trust, Select Portfolio Servicing, Inc., and Fairbanks Capital Corporation were barred by res judicata. See United States v. Brekke, 97 F.3d 1043, 1047 (8th Cir. 1996) (listing factors determining whether res judicata applies); see also Yankton Sioux Tribe v. U.S. Dep't of Health & Human Servs., 533 F.3d 634, 639 (8th Cir. 2008) (under res judicata, final judgment on merits of action precludes parties from relitigating issues that were or could have been raised in that action); In re Marlar, 267 F.3d 749, 754 (8th. Cir. 2001) (describing privity requirement). Further, we conclude that the district court did not abuse its discretion in denying Dixon's motion to reopen the default judgment. See Murphy v. Mo. Dep't of Corr., 506 F.3d 1111, 1117 (8th Cir. 2007) (standard of review).

The district court also enjoined Dixon from filing any further lawsuits in the district court unless the pleadings are signed, pursuant to Federal Rule of Civil Procedure 11, by an attorney admitted to the court, or a judicial officer has authorized the filing of such pleadings in advance. In these circumstances, we believe it is appropriate to modify the injunction

so that it prohibits Dixon, absent compliance with the listed requirements, from filing in the district court any further lawsuits related to the mortgage or foreclosure on his property. See Cromer v. Kraft Foods N. Am., Inc., 390 F.3d 812, 817-19 (4th Cir. 2004); Safir v. U.S. Lines, Inc., 792 F.2d 19, 25 (2d Cir. 1986).

Accordingly, we affirm the judgment as modified. We deny Dixon's motions for sanctions.

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans *Clerk of Court*	VOICE (314) 244-2400 FAX (314) 244-2780

April 19, 2007

Mr. Joseph Dixon
P.O. Box 580050
Minneapolis, MN 55458-0050

RE: 07-1437 Joseph Dixon v. Deutsche Bank National Trust C, et al

Dear Mr. Dixon:

Enclosed is a copy of an order entered today in the above case at the direction of the court.

Michael E. Gans
Clerk of Court

mer
Enclosure(s)
cc: Mr. Joseph James Mihalek
Mr. Richard Sletten
Ms. Kristine M. Spiegelberg
Mr. Lawrence Paul Zielke

District Court/Agency Case Number(s): 0:06-cv-02858-PJS

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 07-1437

Joseph Dixon,
Appellant

v.

Deutsche Bank National Trust Company, et al.,
Appellees

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:06-cv-02858-PJS)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

April 19, 2007

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans *Clerk of Court*	VOICE (314) 244-2400 FAX (314) 244-2780

March 14, 2007

Mr. Joseph Dixon
P.O. Box 580050
Minneapolis, MN 55458-0050

RE: 07-1437 Joseph Dixon v. Deutsche Bank National Trust C, et al

Dear Mr. Dixon:

Enclosed is a copy of the dispositive order in the referenced appeal. Please note that FRAP 40 of the Federal Rules of Appellate Procedure requires any petition for rehearing to be filed within 14 days after entry of judgment. This court strictly enforces the 14 day period. **No grace period for mailing is granted.** A petition for rehearing or a motion for an extension of time must be filed with the Clerk's office within the 14 day period.

In counseled cases, any petition for panel rehearing or petition for rehearing en banc that is filed must also include a diskette or CD-Rom containing an electronic version of your petition. The diskette or CD-Rom must be submitted in Portable Document Format(PDF) and scanned for viruses, in conformance with the requirements set forth in 8th

Cir. R. 28A(d)(2) and (3).

Michael E. Gans
Clerk of Court

mer
Enclosure(s)

cc: Mr. Joseph James Mihalek
Mr. Richard Sletten
Ms. Kristine M. Spiegelberg
Mr. Lawrence Paul Zielke

District Court/Agency Case Number(s): 0:06-cv-02858-PJS

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 07-1437

Joseph Dixon,
Appellant

v.

Deutsche Bank National Trust Company, et al.,
Appellees

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:06-cv-02858-PJS)

JUDGMENT

The court has carefully reviewed the original file of the United States District Court and orders that the motion to dismiss the appeal for want of an appealable order is granted. This appeal is hereby dismissed. Appellant's motion for expedited appeal and judgment is denied.

March 14, 2007

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

General Docket
Eighth Circuit Court of Appeals

Court of Appeals Docket #: 07-1437
Nature of Suit: 3440 Other Civil Rights

Joseph Dixon v. Deutsche Bank National Trust C, et al

Appeal From: U.S. District Court for the District of Minnesota – Minneapolis
Fee Status: In Forma Pauperis

Docketed: 02/27/2007 **Termed:** 03/14/2007

Case Type Information:
1) Civil
2) Private
3) null

Originating Court Information:
District: 0864-4 : 0:06-cv-02858-PJS
Trial Judge: Patrick J. Schiltz, U.S. District Judge
Date Filed: 06/30/2006
Date Order/Judgment: 01/31/2007
Date NOA Filed: 02/13/2007
Date Rec'd COA: 02/26/2007

Prior Cases: None
Current Cases: None

Joseph Dixon
Plaintiff - Appellant

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v.

Deutsche Bank National Trust Company
Defendant - Appellee

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(see above)

Joseph Dixon,
Plaintiff – Appellant

v.

Deutsche Bank National Trust Company; Nationscredit Home Equity Loan Trust; Select Portfolio Servicing, Inc.; Fairbanks Capital Corporation; Balboa Life and Casualty,
Defendants - Appellees

03/13/2007	Civil case docketed. [3287759] [07-1437] (CYZ)
03/13/2007	Originating court document filed consisting of notice of appeal, order adopting R&R dated 1/31/07, order of 9/12/06 denying motion to appoint counsel but without prejudice, docket entries, [3287781] [07-1437] (CYZ)
03/13/2007	MOTION of Appellees Deutsche Bank National Trust Company, Fairbanks Capital Corporation and Nationscredit Home Equity Loan Trust Attorney Ms. Kristine M. Spiegelberg for Appellees Fairbanks Capital Corporation, Deutsche Bank National Trust Company, Nationscredit Home Equity Loan Trust, Select Portfolio Servicing and Balboa Life and Casualty to dismiss case. w/service 02/22/2007. [3287786] [07-1437] (CYZ)
03/13/2007	MOTION of Appellant Mr. Joseph Dixon for expedited appeal. w/service 01/23/2007. [3287788] [07-1437] (CYZ)
03/13/2007	CASE SUBMITTED Ad Panel Submission before Roger L. Wollman; Michael J. Melloy; Raymond W. Gruender in St. Louis [07-1437] (MER)

03/13/2007	Originating court document filed consisting of notice of appeal, order adopting R&R dated 1/31/07, order of 9/12/06 denying motion to appoint counsel but without prejudice, docket entries, [3287781] [07-1437] (CYZ)
03/13/2007	MOTION of Appellees Deutsche Bank National Trust Company, Fairbanks Capital Corporation and Nationscredit Home Equity Loan Trust Attorney Ms. Kristine M. Spiegelberg for Appellees Fairbanks Capital Corporation, Deutsche Bank National Trust Company, Nationscredit Home Equity Loan Trust, Select Portfolio Servicing and Balboa Life and Casualty to dismiss case. w/service 02/22/2007. [3287786] [07-1437] (CYZ)
03/13/2007	MOTION of Appellant Mr. Joseph Dixon for expedited appeal. w/ service 01/23/2007. [3287788] [07-1437] (CYZ)
03/13/2007	CASE SUBMITTED Ad Panel Submission before Roger L. Wollman; Michael J. Melloy; Raymond W. Gruender in St. Louis [07-1437] (MER)
03/14/2007	JUDGMENT FILED -Case dismissed for want of an appealable order; Granting [3287786-2] motion to dismiss case filed by Fairbanks Capital Corporation, Deutsche Bank National Trust Company, Nationscredit Home Equity Loan Trust and Attorney Ms. Kristine M. Spiegelberg for Appellees Fairbanks Capital Corporation, Deutsche Bank National Trust Company, Nationscredit Home Equity Loan Trust, Select

	Portfolio Servicing and Balboa Life and Casualty.; denying [3287788-2] motion for expedited appeal filed by Party Mr. Joseph. Dixon. ROGER L. WOLLMAN ; MICHAEL J. MELLOY ; RAYMOND W. GRUENDER [3288406] [071437] (MER)
03/14/2007	Response of Appellant. Mr. Joseph Dixon , in opposition to motion to dismiss case, [3287786-2], filed by Fairbanks Capital Corporation, Deutsche Bank National Trust Company, Nationscredit Home Equity Loan Trust and Ms. Kristine M. Spiegelberg for Fairbanks Capital Corporation, Deutsche Bank National Trust Company, Nationscredit Home Equity Loan Trust, Select Portfolio Servicing and Balboa Life and Casualty in 07-1437. w/service 03/14/2007 [3288657] [07-1437] (MER)
03/21/2007	Tendered document from Appellant Mr. Joseph Dixon. Forwarded from district court (rec'd in d.c. 3/6/07) - Duplicate filing of appellant's motion for expedited appeal filed in this court March 13, 2007[07-1437] (MER)
03/27/2007	PETITION for enbanc rehearing filed by Appellant Mr. Joseph Dixon. w/service 03/23/2007 [3292713] [07-1437] (MER)
04/19/2007	JUDGE ORDER: denying [3292713-2] petition for enbanc rehearing filed by Appellant Mr. Joseph Dixon. Petition for panel rehearing is also denied. (Adp Apr 2007) [3300640][07-1437] (MER)
04/26/2007	MANDATE ISSUED. [07-1437] (MER)
05/03/2007	Tendered service copy of document filed

	in district court "Plaintiffs Notice to Defendants of Scheduled Pretrial Conference Rule 26". Received from Appellant Mr. Joseph Dixon. w/service 05/01/2007 [07-1437] (MER)
06/04/2007	Tendered service copy of document filed in distict court "Plaintiffs Statement of the Case". Received from Appellant Mr. Joseph Dixon. w/service 05/29/2007 [07-1437] (MER)

General Docket
Eighth Circuit Court of Appeals

Court of Appeals Docket #: 08-3449
Nature of Suit: 3440 Other Civil Rights
Joseph Dixon v. Deutsche Bank National Trust, et al
Appeal From: U.S. District Court for the District of Minnesota – Minneapolis
Fee Status: In Forma Pauperis

Docketed: 10/24/2008 **Termed:** 01/13/2010

Case Type Information:
4) Civil
5) Private
6) null

Originating Court Information:
District: 0864-4 : 0:06-cv-02858-PJS
Court Reporter: Jean Arends, Court Reporter
Trial Judge: Patrick J. Schiltz, U.S. District Judge
Date Filed: 06/30/2006
Date Order/Judgment: 09/03/2008
Date NOA Filed: 09/29/2008
Date Rec'd COA: 10/15/2008

Prior Cases: 07-1437
Date Filed: 02/27/2007
Date Disposed: 03/14/2007
Disposition: Dismiss case for lack of jurisdiction
Current Cases: None

Joseph Dixon
Plaintiff - Appellant

Joseph Dixon
[NTC Pro Se]

P.O. Box 580050
Minneapolis, MN 55458-0050

v.

Deutsche Bank National Trust Company
Defendant - Appellee

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[COR LD NTC Retained]
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Nationscredit Home Equity Loan Trust
Defendant - Appellee

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Defendant - Appellee

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Fairbanks Capital Corporation
Defendant - Appellee

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Balboa Life and Casualty
Defendant - Appellee

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Joseph Dixon,
Plaintiff – Appellant

v.

Deutsche Bank National Trust Company; Nationscredit Home Equity Loan Trust; Select Portfolio Servicing, Inc.; Fairbanks Capital Corporation; Balboa Life and Casualty,
Defendants - Appellees

10/24/2008	Civil case docketed. [3483723] [08-3449] (CYZ)
10/24/2008	Originating court document filed consisting of notice of appeal, R&R dated 8/1/08, order adopting R&R dated 9/3/08, judgment of 9/3/08, district court docket entries link, [3483759] [08-3449] (CYZ)
10/24/2008	RECORD FILED - Record Part: ORIGINAL FILE, No. of Volumes: 5, Volumes Location: STP, Source Location: D.C. [3483723] [08-3449] (CYZ)
10/24/2008	DOCUMENT FILED - entitled "Certificate of Compliance" filed by Mr. Joseph Dixon. w/service 09/29/2008 [3483759] [08-3449] (CYZ)
10/24/2008	BRIEFING SCHEDULE SET AS FOLLOWS: Transcript due on or before 12/03/2008. Brief appellant, Joseph Dixon due 12/15/2008 Appellee brief is due 30 days following service of appellant's brief. Appellant reply brief is due 14 days following service of appellee brief. [3483767] [08-3449] (CYZ)
10/27/2008	CORPORATE disclosure statement filed by Appellee Balboa Life and Casualty. - FOR CAL. [3484196] [08-3449] (RES)
10/27/2008	APPELLEE'S FORM B RECEIVED from Appellee Balboa Life and Casualty [08-3449] (RES)
10/27/2008	CORRECTED certificate of service for disclosure , Doc No. [3484196-2], disclosure for Calendar, Doc No. [3484196-3], filed by Appellee Balboa Life and Casualty [3484214] [08-3449]

(RES)

12/01/2008 MOTION for appointment of counsel, for preparation of transcript at government expense, filed by Party Mr. Joseph Dixon. w/ service 11/26/2008. [3494774] [08-3449] (CYZ)

12/15/2008 MOTION for extension of time to file brief until 12/29/2008, filed by Party Mr. Joseph Dixon. w/ service 12/15/2008. [3499072] [08-3449] (JMB)

12/16/2008 JUDGE ORDER: Appellant's motions for appointment of counsel and for preparation of transcript at government expense have been considered by the court and are denied. [3494774-2] [3494774-3]. Adp Dec 2008 [3499586] [08-3449] (CYZ)

12/16/2008 BRIEFING SCHEDULE SET AS FOLLOWS: Transcript due on or before 01/26/2009. Brief appellant, Joseph Dixon due 02/04/2009 Appellee brief is due 30 days following service of appellant's brief. Appellant reply brief is due 14 days following service of appellee brief. [3499596] [08-3449] (CYZ)

01/13/2009 APPELLEE'S FORM B RECEIVED from Appellees Deutsche Bank National Trust Company, Fairbanks Capital Corporation, Nationscredit Home Equity Loan Trust and Select Portfolio Servicing [08-3449] (KMS)

01/13/2009 CORRECTED certificate of service for settlement form, Doc No. [3506736-2], filed by Appellees Deutsche Bank National Trust Company, Fairbanks

	Capital Corporation and Nationscredit Home Equity Loan Trust [3506845] [08-3449] (KMS)
02/05/2009	BRIEF FILED - APPELLANT BRIEF filed by Mr. Joseph Dixon , w/service 02/09/2009 33 PDF pages, No Addendum 5 copies. Words/lines/pages 33 pages. Appellee/Responsive brief of Balboa Life and Casualty, Deutsche Bank National Trust Company, Fairbanks Capital Corporation, Nationscredit Home Equity Loan Trust and Select Portfolio Servicing due on 03/11/2009. [3514957] [08-3449] (LAB)
03/05/2009	BRIEF FILED - APPELLEE BRIEF filed by Deutsche Bank National Trust Company, Fairbanks Capital Corporation, Nationscredit Home Equity Loan Trust and Select Portfolio Servicing, w/service 03/03/2009 25 PDF pages, No Addendum 10 copies. Words/lines/pages 3,226 words. [3523952] [083449] (LAB)
03/13/2009	BRIEF FILED - APPELLEE BRIEF filed by Balboa Life and Casualty, w/service 03/11/2009, 37 PDF pages, NoAddendum 10 copies. Words/lines/pages 29 pages. Reply brief of Joseph Dixon due on 03/25/2009. [3526585] [08-3449] (LAB)
03/18/2009	RECORD FILED - Record Part: TRANSCRIPT, No. of Volumes: 1, Volumes Location: STL, Comments: District court document 101 [Faxed copy do not return to the district court at end of case], Source Location: USDC /

MNMI, Dt. of Proceeding/Hearing: 09/14/2006, No. of Pgs.: 40 [3528061] [08-3449] (STL)

03/27/2009 BRIEF FILED - APPELLANT REPLY BRIEF filed by Mr. Joseph Dixon, 40 PDF pages, No Addendum, 5 copies. Words/lines/pages39 pages. [3531523] [08-3449] (LAB)

03/30/2009 DOCUMENT FILED - certificate of compliance filed by Mr. Joseph Dixon. [353 f904] [08-3449] (LAB)

04/03/2009 LETTER from Appellee Balboa Life and Casualty regarding *second closing brief* w/service 04/03/2009 [3533448] [08-3449] (RES)

04/13/2009 LETTER from Appellees Deutsche Bank National Trust Company, Fairbanks Capital Corporation, Nationscredit Home Equity Loan Trust and Select Portfolio Servicing regarding *second closing brief.* w/ service 04/10/2009 [3536459] [U8-3449] (KMS)

04/15/2009 LETTER from Appellee Balboa Life and Casualty regarding *response to Appellant Dixon's Motion for Sanction on Grounds of Perjury by Balboa Life and Casualty.* w/service 04/15/2009 [3537194] [08-3449] (RES)

04/15/2009 MOTION for Enforcement of Sanctions, filed by Party Mr. Joseph Dixon. w/service 04/13/2009. [3537396] [08-3449] (LAB)

04/17/2009 MOTION for Enforcement of sanctions against Deutsche Bank NationalTrust, filed by Party Mr. Joseph Dixon. w/ service 04/15/2009. [3538527] [08-3449]

(LAB)

05/08/2009 CLERK ORDER: motion for enforcement filed by Appellant Mr. Joseph Dixon in 08-3449 , [3538527-2], motion for enforcement filed by Appellant Mr. Joseph Dixon in 08-3449 , [3537396-2], letter regarding motion to enforce filed by Appellee Balboa Life and Casualty in 08-3449, [353.71942] is hereby ordered taken with the case for consideration by the panel to which this case is submitted for disposition on the merits. - FOR CAL. [3545312] [08-3449] (LAB)

12/28/2009 CASE SUBMITTED Screening Case Submission before Judges Diana E. Murphy, Steven M. Colloton, Bobby E. Shepherd in St. Louis [08-3449] (PAW)

01/13/2010 PER CURIAM OPINION FILED - THE COURT: DIANA E. MURPHY, STEVEN M. COLLOTON and BOBBY E. SHEPHERD (UNPUBLISHED); denying [3538527-2] motions for sanctions filed by Appellant Mr. Joseph Dixon. [3537396-2] [3623886] [08-3449] (DMH)

01/13/2010 JUDGMENT FILED - The judgment of the Originating Court is AFFIRMED in accordance with the opinion. DIANA E. MURPHY, STEVEN M. COLLOTON and BOBBY E. SHEPHERD Scrg [3623889] [08-3449] (DMH)

01/28/2010 PETITION for enbanc rehearing filed by Appellant Mr. Joseph Dixon w/service 01/28/2010 [3629165] [08-3449] (PAW)

02/18/2010 JUDGE ORDER: denying [3629165-2] petition for enbanc rehearing filed by

	Appellant Mr. Joseph Dixon. Petition for panel rehearing is also denied. Scrg Dec 2009 [3635331] [08-3449] (PAW)
02/25/2010	MANDATE ISSUED. [3638404] [08-3449] (PAW)